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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,189	03/16/2001	Kevin D. Morishige	M-9631 US	6678
7590	04/29/2005		EXAMINER	
Eric A Stephenson Campbell Stephenson Ascolese LLP 4807 Spicewood Springs Road Building 4 Suite 201 Austin, TX 78759			HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2666	
DATE MAILED: 04/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/811,189	MORISHIGE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Shick C Hom	2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 November 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-19 is/are allowed.

6)  Claim(s) 20-22 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_ .

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 16-22 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in

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order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monacos (5,377,182) in view of Alexander, Jr. et al. (6,178,171).

Regarding claims 20-22:

Monacos disclose the method comprising: a memory circuit receiving a data frame to be transmitted to a destination device via a switching fabric, wherein the switching fabric comprises a plurality of data ports through which data frames enter or exit the switching fabric (see abstract which recite the crossbar, i.e. the switch, for routing packets, i.e. the data frame, from a set of input ports to a set of output ports, i.e. the plurality of data ports, whereby each packet having a header identifying one of the output ports as its destination and col. 16 lines 43-54 which recite means for storing the data before piping it into the switch clearly reads on the memory circuit), wherein the memory circuit is coupled to the switching fabric via a first pair of the plurality of data ports; wherein the data frame includes routing data that identifies one of the plurality of data ports through which the data frame will exit

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the switching fabric to reach the destination device; the memory circuit transmitting the received data frame to the switching fabric after the routing data is added to the data frame (see col. 2 lines 10-35 which recite the crossbar for routing packets from a set of input ports to a set of output ports including the use of the header for identifying the destination output port clearly reads on identifying one of the plurality of data ports through which the data frame will exit the switching fabric to reach the destination device and Fig. 12 which shows that the header is generated and added to the packet before transmitting the data to the switching element 1230).

For claims 20-22, Monacos discloses all the subject matter of the claimed invention with the exception of the means and step of generating and adding routing data to the data frame received by the memory circuit as recited in claims 20-22.

Alexander, Jr. et al. from the same or similar fields of endeavor teach that it is known in the background information section to provide the means and step of generating and adding routing data to the data frame received by the memory circuit (see col. 2 line 66 to col. 3 line 11 which recite means and step of adding routing information to a route information field RIF of the frame). Thus, it would have been obvious to the person having ordinary skill in the art at the time the

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invention was made to provide the means and step of generating and adding routing data to the data frame received by the memory circuit as taught by Alexander, Jr. et al. in the communications apparatus and method of Monacos. The means and step of generating and adding routing data to the data frame received by the memory circuit can be implemented by connecting the routing data generator and adding circuit of Alexander, Jr. et al. into the switch and memory circuit of Monacos. The motivation for using the means and step of generating and adding routing data to the data frame received by the memory circuit as taught by Alexander, Jr. et al. in the communication apparatus and method of Monacos being that it provides the added feature of source routing and more flexibility for the system since the system can better control the route of the data frame by identifying the data port it uses to reach the destination device at the receiving end.

***Allowable Subject Matter***

5. Claims 1-19 are allowed.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS**

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**ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the

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organization where this application or proceeding is assigned is  
703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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